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Attorneys for Defendant  
Experian Information Solutions, Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

KENNETH E. SMITH,

Plaintiff,

v.

CITIFINANCIAL; CITIBANK USA,  
NA; TRANS UNION, LLC, EQUIFAX  
INFORMATION SERVICES, LLC and  
EXPERIAN INFORMATION  
SOLUTIONS,  
INC.,

Defendants.

Case No. 4:06-cv-02966-CW

Judge Claudia Wilken

**STIPULATION OF DISMISSAL AND**  
**~~[PROPOSED]~~ ORDER OF DISMISSAL**

[Fed. R. Civ. P. 41(a)]

1 **TO THE COURT AND TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **IT IS HEREBY STIPULATED** by and between Defendant Experian Information  
3 Solutions, Inc. ("Experian") and Plaintiff Kenneth E. Smith ("Plaintiff") by and through their  
4 respective counsel of record, that the Complaint filed by Plaintiff against Experian on May 2,  
5 2006 be dismissed without prejudice as against Experian. This stipulation is made pursuant to  
6 Federal Rule of Civil Procedure 41(a). Each of the undersigned parties agrees that each party  
7 shall bear its own costs and attorney's fees associated with this dispute.

8  
9 Dated: December 20, 2006

JONES DAY

10  
11 By: /s/ Brian J. Recor

Brian J. Recor

12 Attorneys for Defendant  
13 Experian Information Solutions, Inc.

14 Dated: December \_\_, 2006

KEMNITZER, ANDERSON, BARRON &  
OGILVIE LLP

15  
16  
17 By: \_\_\_\_\_


Andrew Ogilvie

18 Attorneys for Plaintiff  
19 Kenneth E. Smith

**ORDER**

Upon the stipulation of the parties, pursuant to Federal Rule of Civil Procedure 41(a), IT  
IS HEREBY ORDERED that the Complaint filed by Plaintiff Kenneth E. Smith against  
Defendant Experian Information Solutions, Inc. on May 2, 2006 shall be dismissed without  
prejudice as against Experian Information Solutions, Inc.

Dated: 1/3/07

By:   
Honorable Claudia Wilken  
United States District Court